

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
-vs-)	No. CR-18-227-SLP
)	
JOSEPH MALDONADO-PASSAGE,)	
a/k/a Joseph Allen Maldonado,)	
a/k/a Joseph Allen Schreibvogel,)	
a/k/a “Joe Exotic,”)	
)	
Defendant.)	

MOTION FOR PROTECTIVE ORDER

The United States respectfully moves the Court to enter a protective order concerning the disclosure of certain discovery materials that contain personal identification information and financial records. Counsel for the United States has conferred with William Earley and Kyle Wackenheim, counsel for Defendant Joseph Maldonado-Passage, concerning this motion. Mr. Earley and Mr. Wackenheim have advised that they do not oppose the motion.

On September 5, 2018, a grand jury charged Defendant by Indictment with two counts of Use of Interstate Commerce Facilities in the Commission of Murder for Hire, in violation of 18 U.S.C. § 1958(a). Defendant was arraigned on September 27, 2018. An Order of Detention remanding Defendant to the custody of the U.S. Marshal was entered on October 4, 2018. On November 7, 2018, a grand jury charged Defendant by Superseding Indictment with nine counts of violations of the Endangered Species Act, 16 U.S.C. § 1538(a) and ten counts of false labeling of wildlife in violation of the Lacey Act,

16 U.S.C. § 3372(d)(2), in addition to the two original counts of Use of Interstate Commerce Facilities in the Commission of Murder for Hire. Defendant was arraigned on the Superseding Indictment on November 14, 2018. Trial is currently scheduled on the Court's January 2019 docket.

The United States intends to produce financial records related to Defendant's business entities and their successor entities, as well as documents reflecting wire transfers between Defendant and third parties. These documents contain personal identification information and financial information, and the United States seeks to ensure that no one uses this information to violate the privacy rights of third parties or to engage in identity theft.

An order from the Court requiring that recipients of this information use it only in the context of preparing for court proceedings in this case will address these concerns. Entitled "Protective and Modifying Orders," Federal Rule of Criminal Procedure 16(d)(1) provides: "At any time the court may, for good cause, deny, restrict, or defer discovery or inspection, or grant other appropriate relief." The government does not seek to restrict the Defendant's access to discovery in this case. Instead, it seeks merely to limit the use of that discovery to its proper purpose in preparation for trial or other proceedings. Moreover, defense counsel has agreed to the entry of a protective order.

For these reasons, the government respectfully requests that the Court enter a protective order with the following terms, with the consent of Defendant:

1. Bank records of Defendant and third parties that are disclosed in this proceeding shall be held in strictest confidence by defense counsel, and access to this

material shall be restricted. Access to this information shall be permitted to defense counsel staff only to the extent necessary to prepare Defendant's defense. Such information may be further disclosed by defense counsel to the Defendant or experts or witnesses for the defense. Persons to whom any such information is disclosed on behalf of Defendant shall not further disclose or disseminate this information without further order of the Court.

2. No personal identification information shall be entered in the record in motions in this proceeding or during trial, either through testimony or documents, unless all practicable means of masking or redacting such information have been employed. If it is not practicable to mask such information during testimony, or to redact such information from exhibits or motions, then the party wishing to proffer such evidence will first seek approval from the Court to do so.

3. At the conclusion of this proceeding, all personal identification information that was not entered in the record at trial through testimony or exhibits and that is unnecessary to the maintenance of the record of the proceeding shall be destroyed or returned to the source from which it was originally obtained.

Respectfully submitted,

ROBERT J. TROESTER

First Assistant United States Attorney

s/Amanda Green

AMANDA GREEN

Oklahoma Bar No. 19876

Assistant U.S. Attorney

210 W. Park Avenue, Suite 400

Oklahoma City, OK 73102

405-553-8770 (office)

405-553-8888 (fax)

Amanda.green@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2018, I electronically transmitted *The Government's Motion for Protective Order* to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

William Early

Kyle Wackenheim

s/Amanda Green

Assistant U.S. Attorney